

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FEDERAL DEPOSIT INSURANCE
CORPORATION, AS RECEIVER FOR
BROADWAY BANK,

Plaintiff,

v.

DEMETRIS GIANNOULIAS, GEORGE
GIANNOULIAS, JAMES MCMAHON,
SEAN CONLON, STEVEN DRY, DONNA
ZAGORSKI, STEVEN BALOURDOS,
GLORIA SGUROS, ANTHONY D'COSTA,

Defendants.

No. 12-cv-1665

JURY DEMANDED

Judge John F. Grady

**CERTAIN DEFENDANTS' MOTION TO DISMISS/STRIKE THE FDIC'S FIRST
AMENDED COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(f), Defendants Demetris Giannoulias, George Giannoulias, Sean Conlon, Steven Dry, Donna Zagorski, Steven Balourdos, and Anthony D'Costa (collectively, the "Defendants") move to dismiss/strike the First Amended Complaint ("Complaint") of Plaintiff Federal Deposit Insurance Corporation ("FDIC") and submit contemporaneously herewith their supporting Memorandum of Law setting forth the specific grounds for the relief which they seek.

WHEREFORE, the Defendants respectfully request that this Court:

- A. Grant their Motion to Dismiss/Strike the FDIC's Complaint;
- B. Enter an Order dismissing the FDIC's Complaint with prejudice; and

C. Award them any further relief which is appropriate and just.

Dated: June 20, 2012

Respectfully submitted,

DEFENDANTS DEMETRIS
GIANNOULIAS, GEORGE GIANNOULIAS,
SEAN CONLON, STEVEN DRY, DONNA
ZAGORSKI, STEVEN BALOURDOS and
ANTHONY D'COSTA

By: s/ Rachel T. Copenhaver
One of Their Attorneys

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CERTIFICATE OF SERVICE

I, Rachel T. Copenhaver, an attorney, hereby certify that on June 20, 2012, I caused to be electronically filed the foregoing CERTAIN DEFENDANTS' MOTION TO DISMISS/STRIKE THE FDIC'S FIRST AMENDED COMPLAINT with the Clerk of the Court using the Court's Case Management/Electronic Case Files (CM/ECF) system, which will send notifications of such filing to the following counsel of record:

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/s/ Rachel T. Copenhaver